



Snohomish County

PLANNING & DEVELOPMENT SERVICES

M/S #604

DETERMINATION OF NONSIGNIFICANCE

Proponent: Snohomish County Department of Planning & Development Services
County Administration Building
3000 Rockefeller Avenue, M/S 604
Everett, WA 98201

Description of Proposal: Proposed ordinance to amend the Snohomish County Code titled:

RELATING TO TOWNHOUSE UNIT LOT SUBDIVISIONS; AMENDING SNOHOMISH
COUNTY CODE CHAPTERS 30.26, 30.41A, 30.41B, 30.91L AND 30.91S

Proposed amendments:

Amend the Snohomish County Code (SCC) 30.41A, Subdivisions, and 30.41B Short Subdivisions to allow the subdivision of townhouse dwelling units into individual unit lots, subject to certain conditions. The proposal would also amend definitions in SCC 30.91S, add new definitions to SCC 30.91L, and amend SCC 30.26 to increase the maximum number of tandem parking stalls that can be provided for a townhouse development.

Lead Agency: Snohomish County Department of Planning & Development Services

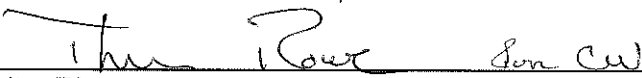
Threshold Determination: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) **IS NOT** required under RCW 43.21C.030(2)(c). This decision was made after review by Snohomish County of a completed environmental checklist and other information on file with this agency. This information is available for public review upon request.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by **August 29, 2012**, to the responsible official at the address listed below.

Appeals:

This DNS together with the subsequent legislative action by the County Council to amend the County Code may be appealed to the Central Puget Sound Growth Management Hearings Board. **THIS DNS MAY BE APPEALED ONLY WHEN SUCH APPEAL IS COMBINED WITH THE APPEAL OF THE UNDERLYING ACTION PURSUANT TO SCC 30.73.100. THE APPEAL MUST BE FILED WITHIN 60 DAYS OF THE PUBLISHED NOTICE OF THE NOTICE OF ACTION ISSUED SUBSEQUENT TO THE FINAL DECISION BY THE COUNTY.** The Notice of Action describing the final decision by the County to pursue or not pursue the proposed action will be published in the County's paper of record. Any appeal must be filed with the Central Puget Sound Growth Management Hearings Board, at PO Box 40953 Olympia WA 98504-0953 within 60 days following publication in the paper, or as otherwise stated in the Notice of Action or provided by law.

Responsible Official: Clay White
Position/Title: Director, Department of Planning & Development Services
Address: 3000 Rockefeller Avenue, M/S #604
Everett, WA 98201-4046



Clay S. White, Director

For further information, contact Michael Dobesh, Planning and Development Services, (425) 388-3819.

Date Issued: August 14, 2012

Date Published: August 16, 2012

Distribution:

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DOE - SEPA register
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Snohomish County

Planning & Development Services

SNOHOMISH COUNTY ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

This checklist is for an ordinance amending Snohomish County code to allow for the subdivision of townhouse developments into individual fee simple lots.

Use of Checklist for Nonproject Proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

A. BACKGROUND

1. Name of proposed project: *Townhouse Unit Lot Subdivisions*
2. Name of applicant:

Snohomish County, Department of Planning & Development Services
3. Address and phone number of applicant and contact person:

*Michael Dobesh, Project Manager
3000 Rockefeller, M/S 604
Everett, WA 98201
Phone: (425) 388-3819
E-mail: michael.dobesh@snoco.org*
4. Date checklist prepared:

August 14, 2012
5. Agency requesting checklist:

Snohomish County, Department of Planning & Development Services
6. Proposed timing or schedule (including phasing, if applicable):

Planning Commission work session:	September 25, 2012
Planning Commission public hearing:	October 23, 2012
County Council public hearing:	T.B.D.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

This proposal is for a nonproject action with no directly related plans for future physical additions, expansions, or activities. In the future, the County will review all project-specific planning actions to ensure consistency with Comprehensive Plan policies, implementation of existing regulations, and compliance with SEPA.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

There currently are no known applications pending for governmental approvals of other proposals directly affecting the property covered by this proposal.

10. List any government approvals or permits that will be needed for your proposal, if known.

No government approvals or permits are required for this proposal. The Snohomish County Planning Commission will make a recommendation to the County Council.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information of project description.)

Proposed Amendments:

This is a nonproject proposal to Amend the Snohomish County Code (SCC) 30.41A, Subdivisions, and 30.41B Short Subdivisions to allow the subdivision of townhouse dwelling units into individual unit lots, subject to certain conditions. The proposal would also amend definitions in SCC 30.91S, add new definitions to SCC 30.91L, and amend SCC 30.26 to increase the maximum number of tandem parking stalls that can be provided for a townhouse development.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

This nonproject proposal affects lands located within the jurisdiction of Snohomish County.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): flat, rolling, hilly, steep slopes, mountainous, other_____.

Lands within the jurisdiction of Snohomish County include a variation of terrain such as flat, rolling, hilly and steep slopes.

- b. What is the steepest slope on the site (approximate percent slope)?

Slopes in excess of 100% can be found within the jurisdiction of Snohomish County.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

A range of soil types are found within the jurisdiction of Snohomish County.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Certain areas within Snohomish County's have a history of surface instability associated with periods of heavy rainfall. Other areas have a history of more deep-seated instability associated with landslide activity.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

As a nonproject action, no filling or grading is proposed. Any future site-specific development or land use proposal would be subject to a separate SEPA review, which would include review of any proposed grading or filling activity.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

As a nonproject action, no erosion will occur as a direct result of this proposal. Any future site-specific development or land use proposal would be subject to a separate SEPA review, which would include review of any proposed clearing and construction that might result in erosion.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

As a nonproject action, no impervious surface coverage will occur as a result of this proposal.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

As a nonproject action, no erosion reduction or control measures are proposed or required. Future site-specific development or land use action would be subject to project level SEPA and regulatory review and would require the implementation of applicable county regulations to reduce or control erosion or other impacts to the earth.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial woodsmoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

As a nonproject action, no emissions to air will occur as a result of this proposal.

- b. Are there any off site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not Applicable

- c. Proposed measures to reduce or control emissions or other impacts to air, if any.

As a nonproject action, no measures to reduce or control emissions are required or proposed. Future site-specific development or land use action would be subject to project level SEPA and regulatory review and would require the implementation of applicable county regulations to reduce or control emissions or other impacts to air, if any.

3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

There are several streams, seasonal streams, and bodies of water located within Snohomish County.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

As a nonproject action, this proposal will not require any work in, or adjacent to the described waters. Future site-specific development or land use action would be subject to project level SEPA and regulatory review and would require the implementation of applicable county regulations to reduce or control activities near surface water bodies, if any.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

As a nonproject action, no fill or dredge material will be placed or removed from surface water or wetlands.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

As a nonproject action, no surface water withdrawals or diversion will be required.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not Applicable as this nonproject action.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

As a nonproject action, no discharges of waste materials to surface waters will occur as a result of this proposal.

b. Ground:

- 1) Will groundwater be withdrawn, or will water be discharged to ground water? If so, describe the type of waste and anticipated volume of discharge.

As a nonproject action, no groundwater will be withdrawn or discharged.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals.....; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

As a nonproject action, no waste material will be discharged from septic tanks or other sources as a result of this proposal. Future development or land use actions that would likely result in discharges from stormwater runoff would be subject to project-level SEPA and regulatory review.

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

As a nonproject action no runoff will occur as a result of this proposal. Any future site-specific development or land use action proposal would be subject to a separate SEPA and development permit review, which would address runoff management.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

As a nonproject action, waste materials will not enter ground or surface waters as a result of this proposal. Any future site-specific development or land use proposal would be subject to separate SEPA and development permit reviews, which would address the potential of waste materials entering ground or surface waters.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

As a nonproject action, no additional measures are required for this proposal. Any future site-specific development or land use proposal would be subject to a separate SEPA and permit review, which would include the implementation of measures to reduce or control surface, ground, and runoff impacts.

4. **Plants**

- a. Check or circle types of vegetation found on the site:

☒ deciduous tree: alder, maple, aspen, other
☒ evergreen tree: fir, cedar, pine, other
☒ shrubs
☒ grass
☒ pasture
☒ crop or grain
☒ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
☒ water plants: water lily, eel grass, milfoil, other
_____ types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

As a nonproject action, no vegetation will be removed as a result of this proposal. Any future site-specific development proposal would be subject to a separate SEPA and critical areas review of any proposed vegetation removal or alteration.

- c. List threatened or endangered species known to be on or near the site.

U.S Fish and Wildlife Services provides legal listing for ESA species under its jurisdiction.

National Marine Fisheries Service provides legal listing for ESA species under its jurisdiction.

Washington State Department of Fish and Wildlife provides legal listing for ESA species under its jurisdiction.

Washington State Department of Natural Resources provides legal listing of ESA species under its jurisdiction.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

As a nonproject action, no measures to preserve or enhance vegetation are required for this proposal. Any future site-specific development or land use action proposal would be subject to a separate SEPA and permit review, which would include review of any proposed landscaping or measures to preserve or enhance vegetation on the site.

5. **Animals**

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: **hawks, heron, eagle, songbirds**, other: _____

mammals: **deer, bear, elk, beaver**, other: _____

fish: **bass, salmon, trout, herring, shellfish**, other: _____

- b. List any threatened or endangered species known to be on or near the site.

U.S Fish and Wildlife Services provides legal listing for ESA species under its jurisdiction.

National Marine Fisheries Service provides legal listing for ESA species under its jurisdiction.

Washington State Department of Fish and Wildlife provides legal listing for ESA species under its jurisdiction.

Washington State Department of Natural Resources provides legal listing of ESA species under its jurisdiction.

- c. Is the site part of a migration route? If so, explain.

Yes. Wildlife species do migrate through the county, but as a nonproject action the proposal will not impact migratory species.

- d. Proposed measures to preserve or enhance wildlife, if any:

As a nonproject action, no measures to preserve or enhance wildlife are required or proposed. Any future site-specific development proposal would be subject to a separate SEPA review, which would include review and implementation of measures to preserve or enhance wildlife, if any.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

As a nonproject action, energy will not be consumed.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

As a nonproject action, there will be no impact on solar energy as a result of this proposal.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

As a nonproject action, energy conservation features are not applicable to this project. Any future site-specific development proposal would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control energy impacts, if any.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

As a nonproject action, no environmental health hazards will result as a consequence of this proposal.

- 1) Describe special emergency services that might be required.

As a nonproject action, no special emergency services are required by this proposal.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

As a nonproject action, no measures to reduce or control environmental health hazards are required for this proposal. Any future site-specific development proposal would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control environmental health hazards, if any.

- b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, aircraft, other)?

This nonproject action will not be effected by noise.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

This nonproject action will not generate noise.

- 3) Proposed measures to reduce or control noise impacts, if any:

As a nonproject action, no measures to reduce or control noise impacts are required or proposed. Any future site-specific development proposal would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control noise impacts, if any.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

This nonproject action pertains to land within Snohomish County's jurisdiction which includes a wide range of land uses

- b. Has the site been used for agriculture? If so, describe.

This nonproject action pertains to property that may have been used for agricultural production in the past.

- c. Describe any structures on the site.

Not applicable to this nonproject action.

- d. Will any structures be demolished? If so, what?

As a nonproject action, no structures will be demolished as a result of this proposal.

- e. What is the current zoning classification of the site?

This nonproject action pertains to all land with the following zoning classifications within the jurisdiction of Snohomish County: Residential -7200 (R-7200), Townhouse (T), Low Density Multiple Residential (LDMR), Multiple Residential (MR), Neighborhood Business (NB), Planned Community Business (PCB), Community Business (CB), General Commercial (GC) and Urban Center (UC)

- f. What is the current comprehensive plan designation of the site?

This nonproject action may pertain to the following land use designations within the jurisdiction of Snohomish County: Urban Low Density Residential (ULDR); Urban Medium Density Residential (UMDR); Urban High Density Residential (UHDR); Urban Center (UC); Urban Commercial (UC); Reservation Commercial (RC); Transit Pedestrian Village; and, Urban Village.

- g. If applicable, what is the current shoreline master program designation of the site?
Not Applicable.
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
Not Applicable.
- i. Approximately how many people would reside or work in the completed project?
As a nonproject action, no people would reside or work on the site as a result of this proposal.
- j. Approximately how many people would the completed project displace?
As a nonproject action, no people would be displaced as a result of this proposal.
- k. Proposed measures to avoid or reduce displacement impacts, if any:
As a nonproject action, no measures to avoid or reduce displacement impacts are required by this proposal.
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
The proposed code amendments are compatible with the land use plans and regulations.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle or low-income housing.
As a nonproject action, no housing units would be provided by this proposal.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
As a nonproject action, no housing units would be eliminated by this proposal.
- c. Proposed measures to reduce or control housing impacts, if any:
As a nonproject action, no measures to reduce or control impacts to housing are required or proposed.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
As a nonproject action, no structures are proposed.
- b. What views in the immediate vicinity would be altered or obstructed?
As a nonproject action, no views will be altered or obstructed as a result of this proposal.
- c. Proposed measures to reduce or control aesthetic impacts, if any:

As a nonproject action, no measures to reduce or control aesthetic impacts are required or proposed. Any future site-specific development proposal would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control aesthetic impacts, if any.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

As a nonproject action, no light or glare will occur as a result of this proposal.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

As a nonproject action, no light or glare that could be a safety hazard or interfere with views will result from this proposal. Any future site-specific development proposals will be subject to a separate SEPA and applicable permit reviews, which will include review of light and glare from the development.

- c. What existing off-site sources of light or glare may affect your proposal?

Not Applicable

- d. Proposed measures to reduce or control light and glare impacts, if any:

As a nonproject action, no measures to reduce or control light and glare impacts are required or proposed. Any future site-specific development proposal would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control light and glare impact, if any.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Hunting, fishing, bird watching and many other recreational opportunities exist throughout Snohomish County.

- b. Would the proposed project displace any existing recreational uses? If so, describe.
This nonproject action will not displace any existing recreational uses.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

As a nonproject action, no measures to reduce or control impacts on recreation are proposed or required. Any future site-specific development proposal would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control impacts on recreation, including recreation opportunities to be provide by the project or applicant, if any.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to this site? If so, generally describe.

Not applicable to this nonproject action.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

Not applicable to this nonproject action.

- c. Proposed measure to reduce or control impacts, if any:
As a nonproject action, no measure to reduce or control impacts are proposed or required. Any future site-specific development proposal would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control impacts, if any.

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Various highways and several state routes and local streets service Snohomish County.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Not applicable to this nonproject action.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

As a nonproject action, no parking spaces are proposed or required. Future development must meet the minimum parking requirements as mandated by Chapter 30.26 of the Snohomish County Code.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? if so, generally describe (indicate whether public or private).

As a nonproject proposal, new transportation improvements are not required or proposed. Future development will be reviewed for impacts to the roadway system and improvements to existing roadways may be required on a project-by-project basis.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Not Applicable

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

This nonproject action will not directly generate any vehicular trips per day. Any future development or land use proposal would be subject to a separate SEPA and permit review, which would include review of traffic issues.

- g. Proposed measures to reduce or control transportation impacts, if any:

As a nonproject action, no measures to reduce or control transportation are proposed or required. Any future site-specific development or land use action would be subject to a separate SEPA review, which would include and implementation of measures to reduce or control any transportation impacts.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

As a nonproject action, this proposal will not result in an increased need for public services. Site specific, project actions may affect services such as fire and police. These impacts will be reviewed during the project level permitting of the development.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

As a nonproject action, no measures to reduce or control impacts on public services are proposed or required. Any future site-specific development or land use action proposal would be subject to a separate SEPA review, which would include review and implementation of measure to reduce or control any impacts on public services.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

Not applicable to this nonproject action. Any future site specific development or land use proposal would need to have access to electricity.

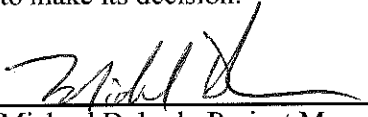
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

As a nonproject action, no utilities are proposed or required. Any future site-specific development or land use action proposal would need to provide electricity to serve the proposed development.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____


Michael Dobesh, Project Manager
Senior Planner, Planning and Development Services

Date Submitted: August 14, 2012

OPTIONAL

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

As a nonproject action, no direct impacts will likely occur to water resources or air quality. There will not likely be a direct effect to the production, storage, or release of toxic or hazardous substances; or production of noise.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

As a nonproject action, this proposal will not likely adversely impact animals, fish, plants, or marine life.

Proposed measures to protect or conserve plants, animals, fish or marine life are:

As a nonproject action, there are no proposed measures to protect or conserve plants, animals or marine life. Future site-specific land activity would be subject to project-level environmental analysis and threshold determinations. If needed, mitigation measures to address impacts to plants, animals, fish, or marine life would be identified at that time.

3. How would the proposal be likely to deplete energy or natural resources?

As a nonproject action, this proposal is not likely to deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

As a nonproject action, there are no proposed measures to protect or conserve energy and natural resources. Future site-specific land activity would be subject to project-level environmental analysis and threshold determinations.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

As a nonproject action, this proposal is unlikely to directly affect environmentally sensitive areas or areas designated (or eligible or under study) for government protection.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Future site-specific, project-level actions which require issuance of any state or local permit or license, and that are not categorically exempt under Chapter 197-11-800 WAC, will be subject to review under SEPA and the County's Critical Area regulations (SCC Chapter 30.62). After

reviewing applications for such project actions, the County may determine that mitigation measures are necessary to avoid probable significant adverse environmental impacts.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

This proposal does not encourage incompatible land or shoreline uses.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Additional project-specific environmental analyses and threshold determinations will be necessary for development of the site. For any future action related to a project specific land use impact, County staff would analyze the project specific land use impact implications and potentially require mitigation measures for any identified significant adverse impacts.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

As a nonproject action, this proposal is unlikely to directly increase demands on transportation or public services.

Proposed measures to reduce or respond to such demand(s) are:

Future site-specific development or land use activity would be subject to project-level environmental analysis and threshold determinations. If needed, mitigation measures to address any increased demands on transportation or public services and utilities would be identified at the that time.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal should not result in conflicts with local, state, or federal laws or requirements for protection of the environment.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 12-__

RELATING TO TOWNHOUSE UNIT LOT SUBDIVISIONS; AMENDING SNOHOMISH
COUNTY CODE CHAPTERS 30.26, 30.41A, 30.41B, 30.91L AND 30.91S

WHEREAS, this is a non-project proposal to amend Snohomish County Code (SCC) to provide for the subdivision of townhouse developments into individual fee-simple unit lots in any zone that allows townhouse dwellings, except for the Townhouse (T) zone, while applying only those development standards applicable to the underlying parent lot as a whole;

WHEREAS, townhouse developments in Snohomish County are typically subjected to the Condominium Act, chapter 64.34 RCW; and

WHEREAS, the Condominium Act, chapter 64.34 RCW, does not provide for the creation of individual fee-simple lots; and

WHEREAS, financing and insurance for the construction of condominium development has become increasingly difficult to obtain; and

WHEREAS, due to the condominium financing guidelines of the country's major mortgage lenders (FHA, VA, FNMA and FHLMC), financing for individual townhouse units has become increasingly difficult to obtain; and

WHEREAS, townhouse construction and mortgage financing difficulties related to condominium ownership would be eliminated if individual unit lot ownership is utilized; and

WHEREAS, the Master Builders of Snohomish/King Counties has approached the Department of Planning and Development Services (PDS) with a proposal to permit the subdivision of individual townhouse unit lots; and

WHEREAS, Snohomish County Code provides for the subdivision of individual townhouse lots only in the Townhouse zone, subject to certain bulk requirements; and

WHEREAS, PDS desires to provide for the subdivision of individual townhouse unit lots in other zones that allow townhouse dwellings; and

WHEREAS, PDS desires to apply only those development standards applicable to the "parent site" as a whole, and not to the individual townhouse unit lots; and

WHEREAS, the economic downturn continues to have an adverse effect on the housing market in unincorporated Snohomish County; and

WHEREAS, providing for the creation of individual townhouse unit lots will alleviate some of the economic hardships experienced by developers and stimulate industry; and

WHEREAS, providing for the creation of individual townhouse unit lots will provide additional ownership opportunities for future home buyers;

1
2 WHEREAS, on _____, 201__, the County Council held a public hearing after proper
3 notice, and considered public comments and the entire record related to the proposal contained
4 in this ordinance;

5
6 NOW, THEREFORE, BE IT ORDAINED:
7

8 Section 1. The County Council adopts the following findings in support of this ordinance:
9

- 10 A. The foregoing recitals are adopted as findings as if set forth in full herein.
11
12 B. This ordinance will amend Snohomish County Code (SCC) to provide for the subdivision of
13 townhouse developments into individual fee-simple unit lots, while applying only those
14 development standards applicable to the underlying parent lot as a whole. Accordingly, this
15 ordinance does not create any inconsistencies with state law or the County Code.
16
17 C. This ordinance will provide developers with additional financing opportunities for the
18 construction of townhouse projects, by providing a means to create individual fee-simple unit
19 lots. It will also provide future home owners with more opportunities to obtain mortgage
20 financing for individual townhouse units, because they would not be subjected to the
21 condominium guidelines of the country's major mortgage lenders. It should also contribute
22 to allowing more townhouse construction to occur, providing for the creation of additional
23 construction jobs.
24
25 D. This ordinance complies with and implements the following Snohomish County General
26 Policy Plan (GPP) goals, objectives, and policies related to the proposed regulations:
27
28 Goal ED 1 Promote the maintenance and enhancement of a healthy
29 economy.
30
31 Goal ED 2 Provide a planning and regulatory environment which facilitates
32 growth of the local economy.
33
34 Objective HO 1.B Ensure that a broad range of housing types is available in urban
35 and rural areas.
36
37 Policy HO 1.B.1 The county shall facilitate affordable home ownership and rental
38 opportunities by promoting an increased supply of lower-cost
39 housing types, such as small lots, townhouses, multiplexes, and
40 mixed-use housing.
41
42 Policy HO 1.B.2 The county shall recognize the increasing diversity in the cultural
43 backgrounds of its residents and shall encourage a broad range of
44 ownership and rental housing opportunities.
45
46 Policy HO 1.C.3.b Evaluate the feasibility of reducing minimum permitted lot sizes in
47 non-PRD developments.
48
49 Policy HO 1.D.3 The county shall encourage expeditions and efficient infill
50 development in urban growth areas.

1
2 Policy LU 2.A.5 Within UGAs, alternatives to standard single family designs such
3 as zero lot line housing and cottages on small lots around a
4 central courtyard, shall be considered in development regulations
5 for residential areas.
6
7

8 E. Procedural requirements.
9

- 10 1. A State Environmental Policy Act ("SEPA") threshold Determination of
11 Nonsignificance ("DNS") for the code amendments contained in this ordinance was
12 issued on INSERT DATE.
13
14 2. The planning commission held a public hearing on INSERT DATE, to receive public
15 testimony concerning the code amendments contained in this ordinance.
16
17 3. Pursuant to RCW 36.70A.106, a notice of intent to adopt this ordinance was
18 transmitted to the Washington State Department of Commerce for distribution to
19 state agencies.
20
21 4. The public participation process used in the adoption of this ordinance has complied
22 with all applicable requirements of the GMA and the SCC.
23
24 5. The Washington State Attorney General last issued an advisory memorandum, as
25 required by RCW 36.70A.370, in December of 2006 entitled "Advisory Memorandum:
26 Avoiding Unconstitutional Takings of Private Property" to help local governments
27 avoid the unconstitutional taking of private property. The process outlined in the
28 State Attorney General's 2006 advisory memorandum was used by Snohomish
29 County in objectively evaluating the regulatory changes proposed by this ordinance.
30

31 F. The proposal is consistent with the record for this proposal.
32

- 33 1. The Condominium Act, chapter 64.34 RCW, does not provide for the creation of
34 individual fee simple lots.
35
36 2. Developers are experiencing difficulties obtaining financing and insurance for the
37 construction of townhouse developments subjected to state Condominium Act.
38 Likewise, potential homeowners are experiencing similar difficulties obtaining
39 mortgage financing due to the condominium financing guidelines of the country's
40 major mortgage lenders.
41
42 3. The Master Builder's of Snohomish/King Counties has approached PDS with a
43 request to adopt regulations that would allow for the subdivision of townhouse unit
44 lots, while applying only those development standards applicable to the underlying
45 parent lot as a whole.
46
47 4. In some zones that allow townhouse dwellings, subdivision of individual townhouse
48 unit lots is not possible due to some of the bulk requirements in Snohomish County
49 Code (SCC), namely lot area, lot coverage, and setbacks.
50

5. The proposal allows for the subdivision of townhouse development into individual fee simple unit lots, while applying only those development standards applicable to the underlying parent lot as a whole.
6. The proposal addresses difficulties that the County's construction industry is experiencing in financing for townhouse developments that would otherwise be subjected to the Condominium Act.
7. The proposal addresses difficulties in obtaining mortgage financing for individual townhouse units that would otherwise be subjected to the Condominium Act.
8. The proposal should contribute to additional townhouse construction to occur, providing for the creation of additional construction jobs, thus stimulating the local economy.

Section 2. The County Council makes the following conclusions:

- A. The proposal is consistent with the goals, objectives and policies of the GPP.
- B. The proposal is consistent with Washington State law and the SCC.
- C. The County has complied with all SEPA requirements in respect to this non-project action.
- D. The regulations proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.
- E. The proposed amendments are needed to address construction financing and mortgage difficulties related to condominium ownership of townhouse developments.

Section 3. The County Council bases its findings and conclusions on the entire record of the County Council, including all testimony and exhibits. Any finding which should be deemed a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

Section 4. Snohomish County Code Section 30.26.025, last amended by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.26.025 Tandem parking.

Tandem or stacked parking spaces may be allowed for residential and commercial uses as follows:

- (1) Each tandem space shall be at least eight and one-half feet wide and twice the depth required for a standard space.
- (2) A maximum of 30 percent of the required parking may be provided through tandem spaces, except that for townhouse development a maximum of 100 percent of the required parking for those residing in the development may be provided through tandem spaces when provided within individual unit garages;
- (3) For residential uses, tandem parking may only be used when it can be documented that parking spaces will be assigned to specific units and tandem spaces will not be shared between units; and

1 (4) Commercial uses with no retail or customer service components may use tandem parking
2 only when it can be documented that the proposed parking will be managed to accommodate
3 employee access to vehicles and vehicle ingress and egress at all times.
4

5 Section 5. A new section is added to chapter 30.41A of the Snohomish County Code to
6 read:
7

8 **30.41A.205 Design Standards – Townhouse Unit Lot Subdivision**

9 The provisions of this section apply exclusively to the unit lot subdivision of land for townhouse
10 developments in zones in which townhouse dwellings are allowed, except that this section shall
11 not apply to development in the Townhouse zone.

12 (1) Townhouse unit lot subdivisions shall be subject to the requirements in SCC 30.23.010
13 though SCC 30.23.049, except as provided for in SCC 30.41A.205(2) through (4).

14 (2) Lot area and width per unit for purposes of subdivision may be as small as the coverage
15 of the individual unit, so long as the overall density meets the zoning of the site. Portions of the
16 site not subdivided for individual unit lots shall be held in common by the owners of the
17 individual units;

18 (3) Lot coverage shall not exceed the aggregate coverage of the buildings required by the
19 underlying zone as applied to the parent lot(s);

20 (4) Setbacks shall be as required for the underlying site plan approval as applied to the
21 parent lot(s). There shall be no setback required from individual unit lot lines;

22 (5) Subsequent platting actions, additions or modifications to the structure(s) may not create
23 or increase any nonconformity of the parent lot(s);

24 (6) Access easements and joint use and maintenance agreements for the use of common
25 garage or parking areas, common open space, and other similar features, shall be indicated on
26 the plat, as recorded with the county auditor's office;

27 (7) Within the parent lot(s), required parking for a dwelling unit may be provided on a different
28 unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by
29 an easement on the plat, as recorded with the county auditor's office; and

30 (8) The fact that the unit lot is not a separate buildable lot and that additional development of
31 the individual unit lots may be limited as a result of the application of development standards to
32 the parent lot(s) shall be noted on the plat, as recorded with the county auditor's office.

33
34 Section 6. A new section is added to chapter 30.41B of the Snohomish County Code to
35 read:
36

37 **30.41B.205 Design Standards – Townhouse Unit Lot Subdivision**

38 The provisions of this section apply exclusively to the unit lot subdivision of land for townhouse
39 developments in zones in which townhouse dwellings are allowed, except that this section shall
40 not apply to development in the Townhouse zone.

41 (1) Townhouse unit lot subdivisions shall be subject to the requirements in SCC 30.23.010
42 though SCC 30.23.049, except as provided for in SCC 30.41A.205(2) through (4).

43 (2) Lot area and width per unit for purposes of subdivision may be as small as the coverage
44 of the individual unit, so long as the overall density meets the zoning of the site. Portions of the
45 site not subdivided for individual unit lots shall be held in common by the owners of the
46 individual units;

47 (3) Lot coverage shall not exceed the aggregate coverage of the buildings required by the
48 underlying zone as applied to the parent lot(s);

49 (4) Setbacks shall be as required for the underlying site plan approval as applied to the
50 parent lot(s). There shall be no setback required from individual unit lot lines;

(5) Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot(s);

(6) Access easements and joint use and maintenance agreements for the use of common garage or parking areas, common open space, and other similar features, shall be indicated on the plat, as recorded with the county auditor's office;

(7) Within the parent lot(s), required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the county auditor's office; and

(8) The fact that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot(s) shall be noted on the plat, as recorded with the county auditor's office.

Section 7. A new section is added to chapter 30.91L of the Snohomish County Code to read:

30.91L.145 Lot, parent ("Parent lot").

"Lot, parent" ("Parent lot") means the initial lot from which unit lots are subdivided for the exclusive use of townhouses pursuant to SCC 30.41A.205 or SCC 30.41B.205.

Section 8. A new section is added to chapter 30.91L of the Snohomish County Code to read:

30.91L.205 Lot, unit (Unit lot).

"Lot, unit" ("Unit lot") means one of the individual lots created from the subdivision of a parent lot for the exclusive use of townhouses pursuant to SCC 30.41A.205 or SCC 30.41B.205.

Section 9. Snohomish County Code Section 30.91S.280 last amended by Amended Ordinance No. 02-064 on December 9,2002, is amended to read:

30.91S.280 Short subdivision.

"Short subdivision" is the division or redivision of land into four or fewer lots, unit lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership outside of an urban growth area adopted by the county council pursuant to chapter 36.70A RCW, or the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership within an urban growth area adopted by the county council pursuant to chapter 36.70A RCW.

Section 10. Snohomish County Code Section 30.91S.710 last amended by Amended Ordinance No. 02-064 on December 9,2002, is amended to read:

30.91S.710 Subdivision.

"Subdivision" is the division or redivision of land into five or more lots, unit lots, tracts, parcels, sites or divisions outside the urban growth areas adopted by the county council pursuant to chapter 36.70A RCW and ten or more lots, tracts, parcels, sites or divisions inside the urban growth area adopted by the county council pursuant to chapter 36.70A RCW for the purpose of sale, lease or transfer of ownership.

Section 11. Effective date, implementation. This ordinance shall take effect XXX days after the date of adoption. PDS is authorized to take such actions as may be necessary to implement this ordinance on its effective date.

1
2 Section 12. Severability and Savings. If any section, sentence, clause or phrase of this
3 ordinance is held invalid or unconstitutional by the Growth Management Hearings Board
4 (Board), or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect
5 the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.
6 Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be
7 invalid or unconstitutional by the Board or a court of competent jurisdiction, then the section,
8 sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full
9 force and effect for that individual section, sentence, clause or phrase as if this ordinance had
10 never been adopted.
11
12
13
14

15 PASSED this ____ day of _____, 201 ____.

16
17
18 SNOHOMISH COUNTY COUNCIL
19 Snohomish County, Washington
20

21
22 _____
23 Chairperson

24 ATTEST:

25
26 _____
27 Clerk of the Council
28
29

30 () APPROVED
31 () EMERGENCY
32 () VETOED
33

34 DATE: _____
35

36 _____
37 County Executive
38
39

40 ATTEST:
41
42
43
44

45 Approved as to form only:
46
47

48 _____
49 Deputy Prosecuting Attorney